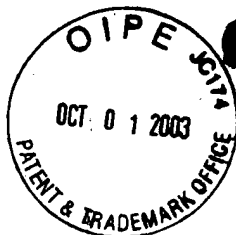


SON-1461



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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10-6-03
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In re the Patent Application of

Koichiro KISHIMA et al.

Serial No.: 09/731,904

Filed: December 8, 2000

Confirmation No.: 1187

Art Unit: 1774

Examiner: Lawrence D. Ferguson

For: OPTICAL RECORDING MEDIUM AND A
METHOD OF MANUFACTURING THE SAME

REQUEST FOR RECONSIDERATION

Mail Stop AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a full and timely response to the Final Office Action mailed on July 21, 2003. Reexamination and reconsideration in light of the above amendments and the following remarks are courteously requested.

Claims 1, 5, 10-14, 17-42 are pending in this application, with claims 1 and 19 being independent.

No new matter is added.

Claims 19-34 were withdrawn from consideration by the Examiner as being drawn to an invention that has been non-elected with traverse.

Applicant, seeking review of the prematureness of the final rejection within the Final Office Action, respectfully requests reconsideration of the finality of the Office action for the reasons set forth hereinbelow. See M.P.E.P 706.07(c).

Allowable subject matter

Appreciation is expressed for the indication that claims 36-37 contain allowable subject matter.

Rejections under 35 U.S.C. 103

Claims 1, 10-14, 17-18, 35 and 38-42 were rejected under 35 U.S.C. 103 as allegedly being obvious over U.S. Patent 5,972,459 to Kawakubo et al. (Kawakubo) in view of U.S. Patent No. 5,635,267 to Yamada et al. (Yamada) further in view of U.S. Patent No. 4,650,742 to Goto et al. (Goto).

Claim 5 was rejected under 35 U.S.C. 103 as allegedly being obvious over Kawakubo in view of Yamada in view of Goto and in further view of U.S. Patent No. 6,187,431 to Katsuragawa.

These rejections are respectfully traversed for at least the above reasons and the following reasons.

The claims include a light transmission flattenable film:

which buries therein the fine concavities and convexities surface,

which has a transmission characteristic with respect to the irradiated light,

which has its surface polished and has a hardness enabling it to be polished,

wherein the light transmission flattenable film consists of inorganic flattenable material having a thickness that is 400 nm or less.

The Final Office Action admits that Kawakubo and Yamada fail to disclose, teach or suggest a light transmission flattenable film consisting of inorganic flattenable material, and provides Goto for this teaching.

Goto arguably teaches an inorganic subbing layers 12 and 22 (Figs. 1 and 2, column 2, lines 63-65). However, Goto fails to

disclose, teach or suggest inorganic subbing layers 12 and 22 as burying therein the fine concavities and convexities surface, as claimed. Instead, figure 5 of Goto arguably depicts fine concavities and convexities 56, but fails to depict the inorganic subbing layer 52 as burying therein the fine concavities and convexities surface 56. Instead, inorganic subbing layer 52 is below the fine concavities and convexities surface 56.

Withdrawal of this rejection and allowance of the claims is respectfully requested.

Conclusion

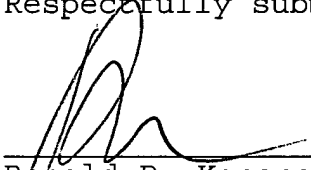
For the foregoing reasons, all the claims now pending in the present application are allowable, and the present application is in condition for allowance. Accordingly, favorable reexamination and reconsideration of the application in light of the amendments and remarks is courteously solicited.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone Brian K. Dutton, Reg. No. 47,255, at 202-955-8753 or the undersigned attorney at the below-listed number.

If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

Respectfully submitted,

DATE: October 1, 2003



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